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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY PERNELL ROOTERS JR.,

Defendant.

CASE NO. 1:22-CR-00075-ADA-BAM

STIPULATION AND ORDER TO VACATE
STATUS CONFERENCE AND SET TRIAL DATE

Plaintiff, the United States, by and through its counsel of record, and the defendants, by and through their counsel of record, hereby stipulate as follows:

1. By previous order, this case was set for status conference on October 11, 2023, and time under the Speedy Trial Act was excluded from July 12, 2023, through October 11, 2023, inclusive, pursuant to 18 U.S.C. § 3161(h)(7)(A) and B(iv).

2. The parties now stipulate and request that the status conference be vacated and a trial date be scheduled on January 23, 2024, at 8:30 a.m., with a Trial Confirmation Hearing scheduled for January 8, 2024. This is the earliest available date to ensure continuity of defense counsel and allow sufficient time for trial preparation and further defense investigation. The defendant moves to exclude time from October 11, 2023, through January 23, 2024, inclusive, under 18 U.S.C. § 3161(h)(7)(A) and B(iv).

3. The parties agree and stipulate, and request that the Court find the following:

1 a) The government has represented that the discovery associated with this case
2 includes reports, photographs, videos, statement of the defendant, criminal history, and records
3 of prior convictions. All of this discovery has been produced directly to counsel and/or made
4 available for inspection.

5 b) Counsel for defendant desires additional time to review discovery, conduct
6 investigation and research related to the charges, conduct research into any mitigating factors,
7 consult with his client, discuss a potential plea with the government, and to otherwise prepare for
8 trial.

9 c) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny him the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence.

12 d) The government does not object to the continuance.

13 e) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
17 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
18 must commence.

19 IT IS SO STIPULATED.

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21 Dated: October 4, 2023

PHILLIP A. TALBERT
United States Attorney

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24 /s/ ANTONIO J. PATACA
ANTONIO J. PATACA
25 Assistant United States Attorney
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1 Dated: October 4, 2023

/s/ CHRISTOPHER MARTENS
CHRISTOPHER MARTENS
Counsel for Defendant
TIMOTHY PERNELL
ROOTERS JR.

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5 **ORDER**

6 IT IS SO ORDERED that the status conference set for October 11, 2023, is vacated. A jury trial is
7 set for **January 23, 2024, at 8:30 a.m. before District Judge Ana de Alba**. Estimate time of trial is **3-4**
8 **days**. A trial confirmation is set for **January 8, 2024, at 8:30 a.m. before District Judge Ana de Alba**.
9 Time is excluded through trial pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).
10 IT IS SO ORDERED.

11 Dated: **October 4, 2023**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE